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EXAMINER

RUMP, RICHARD M

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Applicant's arguments filed 10 July 2009` have been fully considered but they are not persuasive.

Regarding Applicant's traversal of the rejection of claims 1, etc over Kaupp, Given the high rate of speed and similar conditions, applicant has not sufficiently proven as to why the process of Kaupp cannot possibly do the same as the instant invention. Applicant has stated that 'Kaupp specifically teaches that such plasma tends to be saturated immediately. In other words, Kaupp teaches the chemical reactions result from it['s] techniques.' (response @ 2). There is no statement that the chemical process of Kaupp is what does the phase transformation.

Regarding Applicant's traversal of the rejection of claim 18 over Metzger.

Metzger discloses milling, high energy milling seems well within the skill of the art as the milling speed and various parameters could easily be controlled. Applicant has not shown sufficiently how Metzger fails to render instant claim 18 unpatentable.

Regarding Applicant's traversal of the rejection of claim 7 over Kaupp in view of Metzger, the combination of the above arguments suffice as Applicant merely states a combination of their own arguments. The added claims (20 and 21) are drawn to specific transformations and as such would require further search and consideration. Reasons of record apply.

/Stuart Hendrickson/

Primary Examiner, Art Unit 1793